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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,039	09/29/2003	Chris A. Wolfe	010188D1	2589
23696	7590	12/19/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			JEANTY, ROMAIN	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/674,039	Applicant(s) WOLFE ET AL.	
	Examiner Romain Jeanty	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/19/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office Action is in response to the Amendment filed September 19, 2005.

Claims 1-12 are pending in the application for further examination.

Amendment to the claims has overcome the 35 U.S.C. 101 rejection. The rejection has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch et al "Storch" (U.S. Patent No. 5,920,846) in view of Thompson et al "Thompson" (U.S. Patent No. 6,334,133).

As per claims 1 and 7, Storch discloses a method and system for processing a service request comprising:

(a) communicating with a first organization having first personnel for performing services intended for a requestor of the services and having a first personnel, the control center having a plurality of computers for providing a communication path, using wireless communication consisting of satellite system, a terrestrial-based communication system, or a combination thereof, between the control center, and the first personnel (col. 12, lines 1-29);

(b) determining that the first personnel of the first organization are not available to provide the services requested by the requestor (col. 17, line 61 through col. 18 line 32),

(c) contacting through the center, a second organization having second personnel which are capable of performing the services requested by the requester (col. 12, lines 1-29).

(d) determining that the second personnel of the second organization can perform the services requested by the requestor (col. 12, lines 1-29).

(e) assigning the services requested by the requester to the second personnel (i.e. assigning the service request to the outside technician) col. 17, line 61 through col. 18 line 32 and col. 19 line 58 through col. 20 line 32); and

(f) configuring the computers to enable communications between the first personnel and the second personnel (col. 12, lines 1-29).

(g) communicating a service status from the second personnel to the first personnel control center (col. 24 lines 63 through 25 line 29).

Storch discloses all of the limitations above but fails to disclose the steps of providing a second organization having second personnel which are capable of performing the services requested by the requestor, determining that second personnel of the second organization can perform the services requested by the requester. Thompson in the same field of endeavor, discloses the concept of substituting and fulfilling workers for multiple client organizations Note abstract and col. 6 line 4 through col. 9 line 58. Therefore, it would have been obvious to a person of ordinary skill in the art to combine the disclosures of Storch with the teachings of Thompson in order to perform a substitute fulfillment for an organization that wishes to replace an employee during his or her absence.

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As per claims 2, and 8, Storch further discloses wherein said first personnel control center comprises a personnel dispatch center (col. 9, lines 20-64).

As per claims 3, 9, Storch further discloses wherein said first personnel control center comprises a personnel network management facility (i.e. a computer data processing network environment) (col. 11, lines 57-67).

As per claims 4-6, and 10-12, the combination of Storch and Thompson fails to recite mobile communication, a satellite and a terrestrial-based wireless. Official Notice is taken is taken that is old and well known in the communication art to use a satellite, and a terrestrial-based wireless communication for communication messages and location of users. A person having ordinary skill in the art would have been motivated to incorporate these well-known communication medium into Storch and Thompson in order to facilitate easy communication between users of the system.

Response to Arguments

5. Applicant's arguments filed September 19, 2005 have been fully considered but they are not persuasive.

Remarks

6. With regard to the 103 rejection, applicants asserted that Storch and Thompson fail to teach the claimed invention. Applicants further supported their assertion by arguing that mobile communications, a satellite, and a terrestrial-based wireless communications system. Applicants

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further argued that the Official Notice by a requesting that the examiner substantiate the Official Notice statement with support.

In response, the examiner disagrees with applicants' arguments because applicant has not provided adequate information or argument so that *on it face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. Per MPEP 2144.03, "A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, the applicant is charged with rebutting the well known statement in the next reply after the Office Action in which the well known statement was made." The Applicant has not submitted any rebuttal of the well-known statements, but has merely requested references disclosing the well known limitations. In the paragraph in MPEP 2144.03 immediately preceding the above citing, reference is made to *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970) that "Furthermore, the applicant must be given the opportunity to challenge the correctness of such assertions and allegation." However, "bald statements such as 'the examiner has not provided proof that this element is well known' or 'applicant disagrees with the examiner's taking of Official Notice and hereby requests evidence in support thereof', are not adequate and do not shift the burden to the examiner to provide evidence in support of the Official Notice. Allowing such statements to challenge Official Notice would effectively destroy any incentive on the part of the examiner to use it in the process of establishing a rejection of notoriously well known facts" (*In re Boon*, 169 USPQ 231 (CCPA 1971)). In order to further prosecute this application, the examiner notes Bush (U.S. Patent No. 5,835,377) discloses a

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wireless communication system comprising of a satellite system. Note column 3, line 41 through column 4 line 59 of Bush.

Applicant further asserted on page 5 that the cited references fail to teach, suggest or make obvious applicants' invention as recited in claims 1-12. In response, the examiner respectfully disagrees with applicants' arguments, and applicants are directed to the rejection above.

Applicants further asserted that the Office action as provided is defective in that the claims rejected under 35 U.S.C. 103 have not been clearly enumerated. Applicants further supported their assertion by arguing that the Office action merely states that "Claims are rejected under 35 U.S.C. 103". In response, the examiner respectfully disagrees with applicants' arguments because the claims numbers were inadvertently left out. Although the claims were not enumerated, all the claims were cited in the body of the rejection. Therefore, applicants' arguments are moot.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolf (U.S. Patent No. 6,922,133) discloses a method for providing a proof of delivery verification for freight transportation utilizing satellite-based wireless communication.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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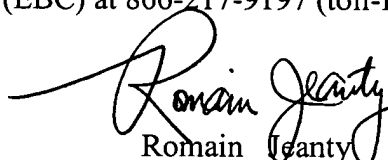
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 28, 2005


Romain Jeanty
Primary Examiner
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